Town Board Minutes

(Municipal Review Committee)

Meeting No. 25

Special Meeting

August 20, 2007 . •

Town Board Minutes

August 20, 2007

Meeting No. 25

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 20th day of August 2007, at 6:30 PM and there were

PRESENT:

DANIEL AMATURA, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPNIAK, COUNCIL MEMBER

ROBERT GIZA, SUPERVISOR

REBECCA ANDERSON, PLANNING BOARD MEMBER

STEVEN SOCHA, PLANNING BOARD MEMBER

MELVIN SZYMANSKI, PLANNING BOARD MEMBER STANLEY KEYSA, PLANNING BOARD CHAIRMAN

ABSENT:

JOHN GOBER, PLANNING BOARD MEMBER

LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER

ALSO PRESENT:

JOHANNA COLEMAN, TOWN CLERK

RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR

ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for three (3) actions.

IN THE MATTER OF THE SEQR REVIEW OF WINDSOR RIDGE SOUTH SUBDIVISION

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is a Type 1 action, through its designated Municipal Review Committee. The Municipal Review Committee now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12, and

TAKE FURTHER NOTICE, that on January 16, 2007 the Municipal Review Committee conducted an item for item review and discussion of the project impact and magnitude as outlined on the Long Assessment Form entitled "Part 2 Project Impacts and Their Magnitude". A copy of said review follows as ATTACHMENT # 1, and

TAKE FURTHER NOTICE, that on February 5, 2007 the Municipal Review Committee met with the project sponsors and their consultants to review the submission of engineering reports dated January 31, 2007 submitted to the Municipal Review Committee as a response to the potentially large impacts identified in the State Environmental Quality Review held on January 16, 2007. A copy of the minutes of said meeting follows as ATTACHMENT #2.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 186± acres.

The location of the premises being reviewed is 0 & 638 Lake Avenue, 0 & 206 Hall Road, 0 Bowen Road, 89 Brunck Road, County of Eric, Town of Lancaster, New York.

THE FOLLOWING MOTION WAS OFFERED BY PLANNING BOARD MEMBER ANDERSON WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER STEMPNIAK, TO WIT:

That this matter be tabled until that time that the Municipal Review Committee receives additional traffic impact data from the Greater Buffalo Niagara Regional Transportation Council.

The question was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED NO
COUNCIL MEMBER RUFFINO	VOTED NO
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED NO
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	WAS ABSENT
PLANNING BOARD MEMBER KORZENIEWSKI	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED NO
PLANNING BOARD MEMBER SZYMANSKI	VOTED NO
PLANNING BOARD CHAIRMAN KEYSA	VOTED NO

The motion to table this matter failed.

THE FOLLOWING RESOLUTION WAS OFFERED BY PLANNING BOARD CHAIRMAN KEYSA WHO MOVED ITS ADOPTION, SECONDED BY PLANNING BOARD MEMBER SOCHA, TO WIT:

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, makes the following findings:

- That there will be traffic impacts on a number of off-site intersections identified in the Greenman-Pederson, Inc. report dated November, 2005. The developer shall mitigate the impact by entering into an agreement with the County of Eric by which the developer shall contribute to further County road improvements in the William Street corridor proportional to the traffic generated from this action. The developer's attorney has placed this commitment in writing; the language of this written commitment is satisfactory to the Town Attorney.
- Further, after the completion of the Phase I of the Windsor Ridge South Subdivision (77 sublots), the Project Sponsor will be required to prepare a Supplemental Traffic Impact Study to evaluate potential traffic impacts associated with future Phases of the subdivision. The Supplemental Traffic Study to be prepared by the Project Sponsor will be provided to the Eric County Division of Highways, the New York State Department of Transportation, the Greater Buffalo Niagara Regional Transportation Committee and the Town of Lancaster for review and comments. If the Supplemental Traffic Impact Study identifies the need for mitigation measures as a result of the traffic impacts resulting from future phases of the Windsor Ridge South Subdivision, the Project Sponsor will be required to contribute funds towards the required mitigation for significant traffic impacts. The Project Sponsor's contribution towards required mitigation measures for traffic impacts will be provided on a proportionate basis as compared to the overall traffic impacts.

• That there was a question whether or not this subdivision would violate restrictions placed by the United States Environmental Protection Agency (USEPA) approximately 20 years ago on installation of sanitary sewers in wetland areas. That question has been resolved in a letter from the USEPA to the Erie County Division of Sewerage Management granting a waiver for the installation of sanitary sewers in this subdivision.

Robert H. Giza, Supervisor

Town of Lancaster

SEAL

August 20, 2007

BE IT
RESOLVED, that the following Negative Declaration be adopted, and

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED NO
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED NO
PLANNING BOARD MEMBER GOBER	WAS ABSENT
PLANNING BOARD MEMBER KORZENIEWSKI	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The Notice of Determination was thereupon adopted.

(Page 1 of 4)

IN THE MATTER OF THE SEQR REVIEW OF THE WINDSOR RIDGE SOUTH SUBDIVISION

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the Windsor Ridge South Subdivision matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled "Part 2 Project Impacts and Their Magnitude" which was provided to each member.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 186± acres.

The location of the premises being reviewed is 0 & 638 Lake Avenue, 0 & 206 Hall Road, 0 Bowen Road, 89 Brunck Road, County of Erie, Town of Lancaster, New York.

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is a Type 1 action, through its designated Municipal Review Committee relative to the criteria found in 6NYCRR, Part 617.7. The lead agency, having determined there to be potentially large environmental impacts with regard to water, water bodies and traffic flow, now adjourns this Review until the Municipal Review Committee receives further information from the project sponsor in response to the potentially large environmental impacts outlined below in the section entitled "Reasons Supporting Determination, Findings Statement - Project Impacts".

REASONS SUPPORTING DETERMINATION

FINDINGS STATEMENT - PROJECT IMPACTS

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will result in a physical change to the project site.

POTENTIAL LARGE IMPACTS:

- construction on land where the depth to the water table is 0 to 1.5 feet
- · construction in a designated floodway
- potential Flood Plain Management concerns regarding location of and elevations of the flood plain due to the Conditional Letter of Map Revision (CLOMR)

SMALL TO MODERATE IMPACT:

- · construction that will continue for more than one year
- The proposed action will not affect any unique or unusual land forms found on the site.
- 3. The proposed action will affect a water body designated as protected.

POTENTIAL LARGE IMPACT:

 dredging more than 100 cubic yards of material from channel of a protected stream

SMALL TO MODERATE IMPACT:

- construction in a designated freshwater or tidal wetland
- 4. The proposed action will not affect any non-protected existing or new body of water.
- 5. The proposed action will affect surface or ground water quality or quantity.

POTENTIAL LARGE IMPACT:

total anticipated water usage per day is 167, 475± gallons

SMALL TO MODERATE IMPACTS:

- it is noted that a State Pollution Discharge Elimination System (SPDES)
 General Permit for Discharge from Construction Activities is required during construction
- proposed action could adversely affect ground water
- proposed action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions
- The proposed action will have a small to moderate impact as it will alter drainage flow patterns or surface water runoff.

SMALL TO MODERATE IMPACTS:

- proposed action will change flood water flows
- proposed action will allow development in a designated floodway

- 7. The proposed action will not affect air quality.
- The proposed action will have a small to moderate impact on threatened or endangered species.

SMALL TO MODERATE IMPACT:

- the use of state approved pesticides and herbicides for lawn and swimming pool care
- The proposed action will not substantially affect non-threatened or non-endangered species.
- 10. The proposed action will not affect agricultural land resources.
- 11. The proposed action will not affect aesthetic resources.
- The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
- The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
- 14. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).
- 15. The proposed action will affect existing transportation systems.

POTENTIAL LARGE IMPACT:

proposed action may cause major traffic problems

SMALL TO MODERATE IMPACT:

- · alteration of present patterns of movement of people
- 16. The proposed action will not affect the community's sources of fuel or energy supply.
- There will not be objectionable odors, noise, or vibration as a result of this proposed action.
- 18. The proposed action will not affect public health and safety.
- 19. The proposed action will affect the character of the existing community.

SMALL TO MODERATE IMPACT:

- · there will be a change in the destiny of land use
- the project will increase demand for police, fire and school services
- there will be an increase in employment during construction
- 20. There is likely to be, public controversy related to water and traffic issues.

N.B. It is necessary that this project is coordinated with the Lancaster Central School District and the Iroquois Central School District because this project crosses the boundaries of both school districts.

THE FOLLOWING MOTION WAS MADE BY PLANNING BOARD CHAIRMAN KEYSA AND SECONDED BY COUNCIL MEMBER AMATURA. TO WIT:

That the matter of the SEQR of Windsor Ridge South Subdivision be adjourned until that time that the project sponsor addresses the aformentioned potentially large environmental impacts and the Municipal Review Committee evaluates the responses.

The question of the adoption of the foregoing Motion was duly put to a vote which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	WAS ABSENT
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The motion to adjourn this matter in anticipation of responses from the project sponsor was thereupon adopted.

January 16, 2007

Town Board Minutes

February 5, 2007 Meeting No. 5

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 5th day of February 2007, at 6:30 PM and there were

PRESENT:

DANIEL AMATURA, COUNCIL MEMBER MARK MONTOUR, COUNCIL MEMBER RONALD RUFFINO, COUNCIL MEMBER DONNA STEMPNIAK, COUNCIL MEMBER

ROBERT GIZA, SUPERVISOR

REBECCA ANDERSON, PLANNING BOARD MEMBER

JOHN GOBER, PLANNING BOARD MEMBER

LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER

MICHAEL MYSZKA, PLANNING BOARD MEMBER STANLEY KEYSA, PLANNING BOARD CHAIRMAN

ABSENT

STEVEN SOCIIA, PLANNING BOARD MEMBER

MELVIN SZYMANSKI, PLANNING BOARD MEMBER

ALSO PRESENT:

JOHANNA COLEMAN, TOWN CLERK

RICHARD SHERWOOD, TOWN ATTORNEY

LEONARD CAMPISANO, ASSISTANT BUILDING INSPECTOR ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

PROJECT REPRESENTATIVES:

SEAN HOPKINS, ESQ., HOPKINS, GARAS & SORGI, PLLC

WILLIAM TUYN, GREENMAN-PEDERSEN, INC. DONALD OWENS, EARTH DIMENSIONS, INC.

THOMAS PLOTAR, P.E., GREENMAN-PEDERSEN, INC.

CHARLES ALESSI, P.E., CONSULTANT

ALAN RANDACCIO, RANDACCIO BUILDERS VICTOR PETERSON III, M.J. PETERSON CORP.

PURPOSE OF MEETING:

WINDSOR RIDGE SOUTH SUBDIVISION

At the request of the project sponsor's attorney, the Municipal Review Committee met with the project sponsor as well as their consultants to review the submission of engineering

reports dated January 31, 2007 submitted to the Municipal Review Committee on January 31, 2007. The reports were submitted in response to the potentially large impacts identified in the minutes of the State Environmental Quality Review held on January 16, 2007.

Discussion regarding the project's impact upon land offsite as well as the impact upon traffic flow and water consumption continued between members of the Municipal Review Committee and the project's representatives.

UPON A MOTION MADE BY PLANNING BOARD CHAIRMAN KEYSA, SECONDED BY PLANNING BOARD MEMBER MYSZKA to table this matter to allow the Town Engineer and Town Attorney to consult with the project sponsor's engineers and attorney for clarification on concerns related to the potentially large impacts as identified in the minutes of the State Environmental Quality Review held on January 16, 2007 resulted as followed:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	WAS ABSENT
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The motion to table this matter was thereupon adopted.

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER AMATURA AND SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the meeting was adjourned at 7:46 p.m.

Signed	
	Johanna M. Coleman, Town Clerk

IN THE MATTER OF THE SEQR REVIEW OF THE BOND RESOLUTION FOR RECONSTRUCTION OF STEINFELDT ROAD

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the bond resolution for reconstruction of Steinfeldt Road matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed reconstruction is replacement in kind of existing roadway culvert involving approximately 0.1 acres.

The location of the street being reviewed is situate between Gale Drive and Plumb Creek Trail, Town of Lancaster, County of Erie, Lancaster, New York.

THE FOLLOWING RESOLUTION WAS OFFERED BY PLANNING BOARD MEMBER SZYMANSKI WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER STEMPNIAK, TO WIT:

RESOLVED, that the following Negative Declaration be adopted.

NOTICE OF DETERMINATION:
BOND RESOLUTION FOR RECONSTRUCTION OF STEINFELDT ROAD
NEGATIVE DECLARATION

REASONS SUPPORTING DETERMINATION FINDINGS STATEMENT - PROJECT IMPACTS

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type 1 threshold in 6 NYCRR, Part 617.4.
- B. The action will not receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- The proposed action will not result in any adverse effects associated with the following: (except as noted)
- C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.

No significant adverse effects noted

- C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.
 No significant adverse effects noted
- C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.

No significant adverse effects noted

C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.

No significant adverse effects noted

C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.

No significant adverse effects noted

- C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.
 No significant adverse effects noted
- C.7 Other impacts (including changes in use of either quantity or type of energy).
 No significant adverse effects noted
- D. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).
- E. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

S/S	
	Robert II. Giza, Supervisor
	Town of Lancaster

SEAL

and.

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Eric County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a voice vote which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	WAS ABSENT
PLANNING BOARD MEMBER KORZENIEWSKI	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The Notice of Determination was thereupon unanimously adopted. August 20, 2007

IN THE MATTER OF THE SEQR REVIEW OF THE BOND RESOLUTION FOR RECONSTRUCTION OF SIEBERT ROAD

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the bond resolution for reconstruction of Siebert Road matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster 21 Central Avenue Lancaster, New York 14086 Richard J. Sherwood, Town Attorney 716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed reconstruction is replacement in kind of existing roadway culvert involving approximately .95 acres.

The location of the street being reviewed is on Siebert Road between Brunck Road and William Street, Town of Lancaster, Country of Eric, New York

THE FOLLOWING RESOLUTION WAS OFFERED BY PLANNING BOARD MEMBER SOCHA WHO MOVED ITS ADOPTION, SECONDED BY PLANNING BOARD CHAIRMAN KEYSA, TO WIT:

RESOLVED, that the following Negative Declaration be adopted.

NOTICE OF DETERMINATION:
BOND RESOLUTION FOR RECONSTRUCTION OF SIEBERT ROAD
NEGATIVE DECLARATION

REASONS SUPPORTING DETERMINATION

FINDINGS STATEMENT - PROJECT IMPACTS

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type 1 threshold in 6 NYCRR, Part 617.4.
- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)
- C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.

No significant adverse effects noted

- C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.
 No significant adverse effects noted
- C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.
 No significant adverse effects noted
- C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity
 of use of land or other natural resources.
 No significant adverse effects noted
- C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.

No significant adverse effects noted

- C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.
 No significant adverse effects noted
- C.7 Other impacts (including changes in use of either quantity or type of energy).

 No significant adverse effects noted
- D. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).

s/s____

E. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

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Robert	H.	Giza.	. Su	pervisor	r
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SEAL

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Eric County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a voice vote which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	WAS ABSENT
PLANNING BOARD MEMBER KORZENIEWSKI	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

ADJOURNMENT:

ON MOTION OF PLANNING BOARD CHAIRMAN KEYSA AND SECONDED BY COUNCIL MEMBER RUFFINO FOR ADJOURNMENT OF THE MEETING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	WAS ABSENT
PLANNING BOARD MEMBER KORZENIEWSKI	WAS ABSENT
PLANNING BOARD MEMBER SOCIIA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The meeting was adjourned at 7:50 P.M.

Signed Johanna M. Coleman, Town Clerk

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Town Board Minutes

Meeting No. 26

Regular Meeting

Town Board Minutes

August 20, 2007 Meeting No. 26

A Regular Meeting of the Town Board of the Town of Lancaster, Eric County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 20th day of August 2007 at 8:00 P.M. and there were

PRESENT:

DANIEL AMATURA, COUNCIL MEMBER

MARK MONTOUR, COUNCIL MEMBER RONALD RUFFINO, COUNCIL MEMBER DONNA STEMPNIAK, COUNCIL MEMBER

ROBERT GIZA, SUPERVISOR

ABSENT:

NONE

ALSO PRESENT:

JOHANNA COLEMAN, TOWN CLERK

RICHARD SHERWOOD, TOWN ATTORNEY JEFFREY SIMME, BUILDING INSPECTOR

GARY STOLDT, CHIEF OF POLICE

TERRENCE McCRACKEN, GENERAL CREW CHIEF RICHARD REESE JR., HIGHWAY SUPERINTENDENT

ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

EXECUTIVE SESSION:

UPON A MOTION DULY MADE BY COUNCIL MEMBER MONTOUR, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing a pending contractual matter.

At 9:45 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matters:

- update on progress with Congressman Reynolds and FEMA regarding contaminated homes in Depew
- property at 4429 Walden Avenue
- · traffic and roadways
- · property value reassessments

Chowaniec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matter:

Wal Mart construction at NEC Transit William

Hatt, Garrett, 10 Queensway, spoke to the Town Board on the following matters:

- proposed traffic signal on Transit Road near Kohl's Department Store
- presented a petition requesting denial of the site plan of Tim Horton's on Transit Road

Fronczak, Mike, 3 Woodstream, spoke to the Town Board on the following matters:

- revaluation update
- Town's acquisition of sublot No. 19 in Meadowlands Subdivision

Korez, Richard, 4946 William Street, spoke to the Town Board on the following matter:

water line improvement on William Street

Schneggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matters:

- School Resource Officer
- traffic study

Symer, Donald, 610 Columbia Avenue, spoke to the Town Board on the following matter:

bond resolution for Steinfeldt Road improvements

Lukowski, Donna, 129 Brunck Road, spoke to the Town Board on the following matter:

- Windsor Ridge South Subdivision
- FEMA flood plain map

PUBLIC HEARING SCHEDULED FOR 8:35 P.M.:

At 8:36 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Vehicle & Traffic Ordinance of the Town of Lancaster, namely Chapter 46 Article XVI entitled Safety Zones.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME

ADDRESS

Proponent/ Opponent/ Comments/Questions

None

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL.
MEMBER MONTOUR AND CARRIED, the public hearing was closed at 8:37 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Town Board and the Planning Board held August 6, 2007 and the Regular Meeting of the Town Board held August 6, 2007 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA VOTED YES

COUNCIL MEMBER MONTOUR VOTED YES

COUNCIL MEMBER RUFFINO VOTED YES

COUNCIL MEMBER STEMPNIAK VOTED YES

SUPERVISOR GIZA VOTED YES

August 20, 2007

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER RUFFINO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, grant monies are available through the New York State Unified Court System to enhance the operation and security of municipal Justice Courts, and

WHEREAS, the Town Board deems it in the public interest to apply for such a grant;

NOW, THEREFORE, BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultant is hereby authorized and directed to complete the necessary application with attendant supporting documentation to be submitted to the New York State Unified Court System for the purpose of securing this grant, and

BE IT FURTHER

RESOLVED, that the Supervisor and Town Court Justices be and hereby are authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 20, 2007

File: rgrantjusticecourtenhancement807

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER RUFFINO. WHO MOVED IT'S ADOPTION, SECONDED BY COUNCIL MEMBER MONTOUR. TO WIT:

WHEREAS, a Public Hearing was held on the 20th day of August, 2007 for the purpose of amending Chapter 46 - Vehicle and Traffic Ordinance of the Code of the Town of Lancaster; and persons for and against such amendment have had an opportunity to be heard, and

WHEREAS, a Notice of said Public Hearing was duly published and posted;

NOW, THEREFORE, BE IT RESOLVED, as follows:

- 1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of the Town of Lancaster be amended in the form attached hereto and made a part hereof;
- 2. That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on August 20, 2007;
- That a Certified Copy thereof be published in the Lancaster Bee on August 23, 2007;
- 4. That a Certified Copy of the amendment be posted on the Town Bulletin Board;
- 5. That Affidavits of Publication and Posting be filed with the Town Clerk;
- 6. That the Highway Superintendent take whatever action is necessary to install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

LEGAL NOTICE NOTICE OF ADOPTION AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK

NOTICE IS HEREBY GIVEN that the Vehicle and Traffic Ordinance of the Town of Lancaster, Eric County. New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

CHAPTER 46 ARTICLE XVI SAFETY ZONES

			SAI	FETY ZONES
§46-24.				od children areas, (B), shall be amended following:
	В.		• • • •	
		(2)	129 S	imme Road, Lancaster, New York.
				TOWN BOARD OF THE TOWN OF LANCASTER
			By:	JOHANNA M. COLEMAN Town Clerk
August 20, 2007				
STATE OF NEW COUNTY OF ER TOWN OF LAN	RIE	: : :	ss:	
Lancaster in the sa copy of an amenda original thereof fil	nid Town o ment to the led in my o	of Lanca Vehicl office at	ster in t e and T Lancas	A M. COLEMAN, Town Clerk of the Town of the said County of Erie, have compared the foregoing raffic Ordinance of the Town of Lancaster, with the ter, New York on the 20th day of August, 2007, and aid original, and of the whole thereof.
IN WITNESS W 20 th day of August		, I have	hereun	to set my hand and affixed the Seal of said Town, this
				Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster by letter dated August 16, 2007, has requested the creation of (1) additional position of full-time Clerk Typist in the Town of Lancaster Police Department due to clerical needs, and

WHEREAS, upon approval of a full-time Clerk Typist the existing position of part-time Clerk will not be filled.

NOW, THEREFORE BE IT

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to complete and submit Form PO-17 (New Position Duties Statement) to create one (1) position of Clerk Typist in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL M EMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER RUFFINO. TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster by letter dated August 15, 2007, has recommended the utilization of a Police Officer in the capacity of full-time School Resource Officer to fill the position of a second School Resource Officer for the upcoming school year which was created by Lancaster School Board resolution and passed at the August 13, 2007 Lancaster School Board meeting, and

WHEREAS, in accordance with the provision in the current Collective
Bargaining Agreement the notice for this position must be posted within the Police Department
for ten days and this notice is currently posted in the Police Department. The person to be
selected will not be known until August 24, 2007, and

WHEREAS, the School Resource Course is scheduled to begin on August 27, 2007. The cost of the course, including todging and course fee will be approximately \$1,100.00.

NOW, THEREFORE, BE IT

RESOLVED, that the cost for one Police Officer of the Town of Lancaster to attend the School Resource Course scheduled to begin on August 27, 2007, be and is hereby authorized, and

BE IT FURTHER

RESOLVED, that the cost of the School Resource Course is hereby authorized not to exceed \$1,100.00.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER MONTOUR. TO WIT:

WHEREAS, the Town Line Volunteer Fire Department, Inc., by letter dated August 9, 2007 has requested the addition of members to the roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the additions to the membership of the Town Line Volunteer Fire Department the following individuals:

ADDITIONS:

Cherie Schmitt 111 Sebring Drive Depew, New York Joseph David Schmitt 111 Sebring Drive Depew, New York

Sara Stadler 14 Hobart Street Buffalo, New York

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 20, 2007

File: RFIRE (P3)

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER MONTOUR, TO WIT:



A BOND RESOLUTION, DATED AUGUST 20, 2007, OF THE TOWN BOARD OF THE TOWN OF LANCASTER (THE "TOWN"), AUTHORIZING THE RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS TO VARIOUS TOWN ROADS, INCLUDING BUT NOT LIMITED TO, SIEBERT ROAD AND OTHER IMPROVEMENTS IN CONNECTION THEREWITH IN THE TOWN, IN AN AMOUNT NOT TO EXCEED \$400,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$400,000 OF THE TOWN OF LANCASTER, OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED FOR SAID OBJECT OR PURPOSE OR REDEMPTION OF THE TOWN'S OBLIGATION ISSUED THEREFOR PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

BE IT RESOLVED, by the Town Board of the Town of Lancaster, in the County of Eric, New York (the "Town") (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to undertake the reconstruction of construction of improvements to various Town roads, including but not limited to, Siebert Road and other improvements in connection therewith including the replacement of a culvert, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and preliminary costs and costs incidental thereto (the "Purpose"). The maximum cost of said purpose will not exceed \$400,000.

SECTION 2. The Town Board plans to finance the maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed \$400,000 of said Town, hereby authorized to be issued therefor pursuant to the Local Finance Law, offset by any federal, state, county and/or local funds received.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 20 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 15 years, however, the obligations will be paid off in five years or less.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will not be in excess of five years.

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(I) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

- (1) (a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- (b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or
- (2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 13: The Town Clerk is hereby authorized and directed to publish this resolution or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and designed as the official newspaper of the Town for such publication.

SECTION 14. This Resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

COUNCIL MEMBER AMATURA VOTED YES
COUNCIL MEMBER MONTOUR VOTED YES
COUNCIL MEMBER RUFFINO VOTED YES
COUNCIL MEMBER STEMPNIAK VOTED YES
SUPERVISOR GIZA VOTED YES

The foregoing resolution was thereupon declared adopted.

NOTICE OF BOND RESOLUTION

NOTICE IS HEREBY GIVEN that the bond resolution published herewith has been adopted for the Town Board of the Town of Lancaster, in the County of Erie, on August 20, 2007 and the validity of the obligations authorized by such resolution may be hereafter contested only if:

- (1) (a) such obligations were authorized for an object or purpose for which the Town of Lancaster is not authorized to expend money or
- (b) if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice; or
- (2) such obligations were authorized in violation of the provisions of the Constitution of New York.

SUMMARY OF RESOLUTION

The following is a summary of a bond resolution adopted by the Town Board of the Town of Lancaster on August 20, 2007. Said resolution authorizes the issuance and sale of a serial bond or bonds and a bond anticipation note or notes in anticipation of the issuance and sale of said serial bonds, in an amount not to exceed \$400,000. The proceeds from the sale of the obligations authorized in said resolution shall be used for the reconstruction of construction of improvements to various Town roads, including but not limited to Siebert Road and other improvements in connection therewith including the replacement of a culvert, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and preliminary costs and costs incidental thereto. The period of probable usefulness for said purpose is 15 years, however, the obligations will be paid off in five years or less. A copy of the resolution summarized herein is available for public inspection during normal business hours at the Office of the Town Clerk, located in the Town Hall, 21 Central Avenue, Lancaster, New York.

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER RUFFINO, TO WIT:



A BOND RESOLUTION, DATED AUGUST 20, 2007, OF THE TOWN BOARD OF THE TOWN OF LANCASTER (THE "TOWN"), AUTHORIZING THE RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS TO VARIOUS TOWN ROADS, INCLUDING BUT NOT LIMITED TO STEINFELDT ROAD AND OTHER IMPROVEMENTS IN CONNECTION THEREWITH IN THE TOWN, IN AN AMOUNT NOT TO EXCEED \$135,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$135,000 OF THE TOWN OF LANCASTER, OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED FOR SAID OBJECT OR PURPOSE OR REDEMPTION OF THE TOWN'S OBLIGATION ISSUED THEREFOR PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

BE IT RESOLVED, by the Town Board of the Town of Lancaster, in the County of Eric, New York (the "Town") (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to undertake the reconstruction of construction of improvements to various Town roads, including but not limited to Steinfeldt Road and other improvements in connection therewith including the replacement of a culvert, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and preliminary costs and costs incidental thereto (the "Purpose"). The maximum cost of said purpose will not exceed \$135,000.

SECTION 2. The Town Board plans to finance the maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed \$135,000 of said Town, hereby authorized to be issued therefor pursuant to the Local Finance Law, offset by any federal, state, county and/or local funds received, including but not limited to approximately \$125,000 expected to be received from the New York State Department of Transportation Capital Project(s) through the Multi-Modal (MM) #4 Program.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 20 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 15 years, however, the obligations will be paid off in five years or less.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will not be in excess of five years.

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(1) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15e12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

- (a) Such obligations are authorized for an object or purpose for which said Town
 is not authorized to expend money, or
 - (b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or
- (2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 13: The Town Clerk is hereby authorized and directed to publish this resolution or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and designed as the official newspaper of the Town for such publication.

SECTION 14. This Resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll cal which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The foregoing resolution was thereupon declared adopted.

NOTICE OF BOND RESOLUTION

NOTICE IS HEREBY GIVEN that the bond resolution published herewith has been adopted for the Town Board of the Town of Lancaster, in the County of Erie, on August 20, 2007 and the validity of the obligations authorized by such resolution may be hereafter contested only if:

- (1) (a) such obligations were authorized for an object or purpose for which the Town of Lancaster is not authorized to expend money or
- (b) if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice or
- (2) such obligations were authorized in violation of the provisions of the Constitution of New York.

SUMMARY OF RESOLUTION

The following is a summary of a bond resolution adopted by the Town Board of the Town of Lancaster on August 20, 2007. Said resolution authorizes the issuance and sale of a serial bond or bonds and a bond anticipation note or notes in anticipation of the issuance and sale of said serial bonds, in an amount not to exceed \$135,000. The proceeds from the sale of the obligations authorized in said resolution shall be used for the reconstruction of construction of improvements to various Town roads, including but not limited to Steinfeldt Road and other improvements in connection therewith including the replacement of a culvert, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and preliminary costs and costs incidental thereto. The period of probable usefulness for said purpose is 15 years, however, the obligations will be paid off in five years or less. A copy of the resolution summarized herein is available for public inspection during normal business hours at the Office of the Town Clerk, located in the Town Hall, 21 Central Avenue, Lancaster, New York.

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL. MEMBER MONTOUR, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director of Administration and Finance, to wit:

Claim No. 9834 to Claim No. 10208 Inclusive

Total amount hereby authorized to be paid: \$274,429.81

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA

COUNCIL MEMBER MONTOUR

COUNCIL MEMBER RUFFINO

COUNCIL MEMBER STEMPNIAK

VOTED YES

VOTED YES

SUPERVISOR GIZA . VOTED YES

August 20, 2007

File: Relaims

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER STEMPNIAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

14967	Gary Pool Sales	7 Muirfield Ln	Er. Pool-Abv Grnd	
14968	Stellricht, Jay	43 Woodlawn Ave	Er. Shed	(V/L)
14969	Colley's Pool Sales	26 Nicholas Ln	Er. Fence	
14970	Aquaman's Pools	390 Aurora St	Er. Pool-Aby Grnd	
14971	Rath, Michael	390 Aurora St	Er. Deck	
14972	Rich Pools	2 Robinwood Ct	Er. Pool-Abv Grnd	
14973	Iroquois Fence Inc	48 Creekwood Dr	Er. Fence	
14974	Kalinowski, Brian	6403 Genesee St	Er. Res. Add.	
14975	Cullinan, Patrick	38 Wilkshire Pl	Er. Shed	(V/L)
14976	City Fence Inc	4901 William St	Er. Fence	
14977	Duro-Shed Inc	27 Elm Pl	Er. Shed	(V/L)
14978	Artin, Mary	6293 Genesee St	Er. Deck	
14979	Clover Management	330 Harris Hill Rd	Er. Comm. Alt.	
14980	Grau Buillders LLC	21 Logan Ln	Er. DwlgSin.	
14981	Russ Salvatore Devl.	6681 Transit Rd	Er. Comm. Bldg.	
14982	Madej, Brian	13 Ann Marie Dr	Er. Shed	
14983	Marrano/Marc Equity	10 St Davids Rd	Er. DwlgSin.	
14984	Majestic Pools Inc	27 Apple Blossom Blvd	Er. Pool-In Grnd	
14985	Lenhard, Matthew	69 Michael's Walk	Er. Shed	
14986	Getzoni, Grant	18 Lakeside Cres	Er. Deck	(V/L)
14987	Schaal, Brian	45 Charlton Pl	Er. Deck	
14988	Superior Decks	29 St Anthony St	Er. Deck	
14989	Danni, Michael	6 Park Walk	Er. Fireplace	
14990	Rich Pools	4 Queen's Way	Er. Pool-Abv Grnd	
14991	Patrick Development	633 Pleasant View Dr	Er. DwlgSin.	
14992	Homestead Designs	10 Pinetree Dr	Er. Shed	
14993	Safe, Paul	3490 Bowen Rd	Dem. Garage	
14994	Frey's Olde Time Furn.	19 St Anthony St	Er. Shed	
14995	Colley's Pool Sales Inc	11 Heathrow Ct	Er. Fence	
14996	Colley's Pool Sales Inc	11 Heathrow Ct	Er. Pool-In Grnd	
14997	Gill, Alexander	1837 Como Park Blvd	Er. Deck	(V/L)

14998	Ad Works Sign Co	26 Rehm Rd	Er. Sign-Wall	
14999	Marrano/Mare Equity	21 Chicory Ln	Er. DwlgSin.	
15000	Iroquois Fence Inc	88 Lake Ave	Er. Fence	(V/L)

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

COMMUNICATIONS & REPORTS:

- 411. Veterans of Foreign Wars Post No. 7275 to Town Clerk -Notice of application for renewal of liquor license, 3741 Walden Avenue. DISPOSITION -Town Attorney
- 412. Town Clerk to Town Board -Transmittal of Special Use Permit Application for Octane Auto Sales, 5151 Genesee Street. DISPOSITION = Received & Filed
- 413. Town Clerk to Town Board Transmittal of monthly report for July 2007. DISPOSITION = Received & Filed
- 414. Eric County Water Authority to Supervisor Invitation to tour Sturgeon Point Water Treatment Plant, Wednesday, August 22, 2007, 6:00
 PM. DISPOSITION = Received & Filed
- 415. Mayor, Village of Lancaster to Supervisor -Notice of approval of Heritage Trail project within the village. 'DISPOSITION = Received & Filed
- 416. Bella Vista Group to Town Attorney -Transmittal of agreement between NYS DOT and Bella Vista allowing removal of wetlands on Bella Vista property, Transit Road. DISPOSITION = Received & Filed
- 417. NYS State Board of Real Property Services to Supervisor Notice of final state equalization rate for the town. DISPOSITION = Received & Filed
- 418. Ferdinand J. Ciccarelli, Attorney to Town Clerk Notice of application for renewal of liquor license for Lancaster Country Club.
 DISPOSITION = Town Attorney
- 419. Village of Lancaster to Town Board Minutes of meeting held July 23, 2007. DISPOSITION = Received & Filed
- 420. Village of Lancaster to Town Board Minutes of meeting held July 30, 2007. DISPOSITION = Received & Filed
- 421. General Crew Chief to Planning Board, Council Members Montour, Ruffino, & Stempniak Notice from the Town Forestry Department of no issues with site plan for Seven Unit Apartment Building, 5849 Broadway. DISPOSITION = Planning Committee
- 422. Captain Timothy R. Murphy, Captain Riccardo M. Zuppelli to Supervisor Letter regarding police captains' salaries and benefits. DISPOSITION = Personnel Committee
- 423. Town of Alden to Town Board Notice of public hearing regarding proposed "Local Law No. 1 of the Year 2007" entitled
 "Amendment to the Dogs Law for the Town of Alden" to be held August 20, 2007 at 7:40 PM.
 DISPOSITION = Received & Filed
- 424. Town of Alden to Town Board Transmittal of resolution in support of Spartan II body armor vests for U.S. soldiers and resolution opposing the Governor's proposal regarding the siting of windmills. DISPOSITION = Received & Filed
- 425. Town of Amherst to Town Board Transmittal of resolution in support of Spartan II body armor vests for U.S. soldiers.
 DISPOSITION = Received & Filed
- 426. Natale Builders to Town Officials -

Invitation to grand opening of Nicholas Heights Subdivision to be held August 26, 2007 at 12:00 PM. DISPOSITION = Received & Filed

427. Town of Holland to Town Board -

Transmittal of resolution urging the County to fund the maintenance of county roads.

DISPOSITION = Received & Filed

428. Time Warner Cable to Supervisor -

Notice of changes in Music Choice channels effective September 18, 2007. DISPOSITION = Received & Filed

429. Erie County Legislator Kathy Konst to Supervisor -

Notice of informational meeting to be held August 20, 2007 at 6:00 PM in the Lancaster Opera House regarding the re-inspection of the Cemetery Road Bridge.

DISPOSITION = Received & Filed

430. Town Attorney to Town Board, Planning Board -

Notice of SEQR meeting to be held August 20, 2007, 6:30 PM regarding the status of the traffic study on the Windsor Ridge Subdivision. DISPOSITION = Received & Filed

431. Town Clerk to Various News Media -

Notice of SEQR meeting to be held August 20, 2007, 6:30 PM to review the status of Windspr Ridge Subdivision regarding traffic impacts. DISPOSITION = Received & Filed

432. Town of Concord to Town Clerk -

Transmittal of resolution opposing the Governor's proposal regarding the siting of windmills. DISPOSITION = Received & Filed

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER STEMPNIAK, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the meeting was adjourned at 9:45 P.M.

Signed M. Claure Johanna M. Coleman, Town Clerk